

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SECOND LEGISLATURE

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**THIRTIETH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 4, 2014**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent – Gibbs. Total – 1.

Total – 70.

Prayer was offered by Representative Thompson.

The Pledge of Allegiance was led by Austin Sheffey, Page.

### Approval of Journal

February 4, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

February 3, 2014

Mr. Speaker:

I transmit herewith enrolled [SCR 132](#), [S 1216](#), [S 1217](#), and [S 1218](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [SCR 132](#), [S 1216](#), [S 1217](#), and [S 1218](#) and, when so signed, ordered them returned to the Senate.

February 3, 2014

Mr. Speaker:

I transmit herewith [S 1235](#), [S 1236](#), and [S 1237](#) which have passed the Senate.

NOVAK, Secretary

[S 1235](#), [S 1236](#), and [S 1237](#) were filed for first reading.

February 3, 2014

Mr. Speaker:

I return herewith [H 407](#) which has passed the Senate.

NOVAK, Secretary

[H 407](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 4, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 38](#), [H 438](#), [H 439](#), [H 440](#), [H 441](#), [H 442](#), [H 443](#), [H 444](#), and [H 445](#). WILLS, Chairman

[HCR 38](#), [H 443](#), [H 444](#), and [H 445](#) were referred to the State Affairs Committee.

[H 438](#) and [H 439](#) were referred to the Health and Welfare Committee.

[H 440](#), [H 441](#), and [H 442](#) were referred to the Revenue and Taxation Committee.

February 4, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 386](#), [H 387](#), and [H 388](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 386](#), [H 387](#), and [H 388](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 3, 2014

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 421](#) and recommend that it do pass.

HENDERSON, Chairman

[H 421](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 446 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO DIVORCE ACTIONS; AMENDING SECTION 32-717D, IDAHO CODE, TO GRANT THE COURT THE DISCRETION TO AWARD ATTORNEY'S FEES AND COSTS IN CERTAIN CIRCUMSTANCES.

#### HOUSE BILL NO. 447 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO THE PROTECTION OF PERSONS UNDER DISABILITY; AMENDING SECTION 15-5-209, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN DUTIES OF A GUARDIAN OF A MINOR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN REPORTING REQUIREMENTS OF A GUARDIAN OF AN INCAPACITATED PERSON AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-314, IDAHO CODE, TO PROVIDE FOR THE COLLECTION, PAYMENT AND DEPOSIT OF CERTAIN MONEYS; REPEALING SECTION 15-5-418, IDAHO CODE, RELATING TO INVENTORY AND RECORDS; AMENDING SECTION

15-5-419, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO ACCOUNTS AND REPORTS OF CERTAIN CONSERVATORS AND GUARDIANS, TO REVISE AND ESTABLISH PROVISIONS RELATING TO REPORTING REQUIREMENTS FOR CONSERVATORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3201G, IDAHO CODE, TO RENAME A CERTAIN FUND, TO PROVIDE THAT THE GUARDIANSHIP AND CONSERVATORSHIP PROJECT FUND SHALL CONSIST OF CERTAIN MONEYS AND TO REMOVE ARCHAIC LANGUAGE; AND AMENDING SECTION 66-405, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN DUTIES OF GUARDIANS AND CONSERVATORS AND TO GRANT THE COURT THE AUTHORITY TO REQUIRE A CONSERVATOR TO SUBMIT TO A PHYSICAL CHECK OF THE ESTATE IN HIS CONTROL.

**HOUSE BILL NO. 448**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO THE RETAIL SALE OF LIQUOR BY THE DRINK; AMENDING SECTION 23-910, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PERSONS NOT QUALIFIED TO BE LICENSED TO SELL LIQUOR BY THE DRINK AT RETAIL AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 449**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO GARNISHMENTS; AMENDING SECTION 8-507, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SERVICE OF WRIT OF ATTACHMENT, EXECUTION OR GARNISHMENT, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-507A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SERVICE ON A DEFENDANT AND THIRD PARTIES BY CERTAIN PERSONS; AMENDING SECTION 8-507C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AVAILABILITY OF CERTAIN FORMS, TO REVISE A CERTAIN NOTICE FORM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 8-507D, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SERVICE AND MAILING CRITERIA OF CERTAIN DOCUMENTS AND RELATED DUTIES OF THE SHERIFF AND SERVING ATTORNEY; AMENDING SECTION 8-508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIABILITY OF A GARNISHEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-509, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CONTINUING GARNISHMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-510, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NOTICE OF GARNISHMENT AND DISCHARGE OF A GARNISHEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-521, IDAHO CODE, TO PROVIDE THAT NO SERVING ATTORNEY SHALL BE LIABLE TO BE SUMMONED AS A GARNISHEE; AMENDING SECTION 11-102, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE FORM OF A CERTAIN WRIT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-103, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS APPLY TO A SERVING ATTORNEY AND TO MAKE

TECHNICAL CORRECTIONS; AMENDING SECTION 11-107, IDAHO CODE, TO PROVIDE THAT EXECUTIONS FOR CERTAIN GARNISHMENTS BE ISSUED TO CERTAIN PERSONS, TO REVISE PROVISIONS RELATING TO THE TIMING OF AN EXECUTION ISSUED AGAINST EACH JUDGMENT DEBTOR IN EACH COUNTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-203, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CLAIM OF EXEMPTION BY DEFENDANT OR THIRD PARTY CLAIM, TO REVISE PROVISIONS RELATING TO A MOTION TO CONTEST A CLAIM, TO REVISE PROVISIONS RELATING TO THE HOLDING AND RELEASING OF PROPERTY BY A SHERIFF OR SERVING ATTORNEY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-206, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-301, IDAHO CODE, TO PROVIDE THAT CERTAIN PROCEEDS SHALL BE PAID TO THE JUDGMENT CREDITOR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-605, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3203A, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY MAY CHARGE CERTAIN FEES FOR SERVICES.

**HOUSE BILL NO. 450**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**  
 AN ACT

RELATING TO INATTENTIVE DRIVING; AMENDING SECTION 49-1401, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO INATTENTIVE DRIVING.

[H 446](#), [H 447](#), [H 448](#), [H 449](#), and [H 450](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1235](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

[S 1236](#) and [S 1237](#), by Local Government and Taxation Committee, were introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[H 352](#), [H 353](#), and [H 357](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 377](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 378](#), [H 379](#), and [H 429](#), by Education Committee, were read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [H 392](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

**H 389 - TRANSPORTATION - VEHICLES**

**H 389** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood(35) to open debate.

The question being, "Shall **H 389** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Gibbs, Sims. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 389** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 390 - ENVIRONMENTAL QUALITY DEPARTMENT**

**H 390** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Woodings to open debate.

The question being, "Shall **H 390** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Gibbs. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 390** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 391 - ENVIRONMENTAL QUALITY BOARD**

**H 391** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 391** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Gibbs. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 391** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 405 - DRINKING WATER AND WASTEWATER PROFESSIONALS**

**H 405** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall **H 405** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Gibbs. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 405** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**S 1245 - APPROPRIATION - DEPARTMENT OF CORRECTION**

**S 1245** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1245** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(01), Anderson(31), Anderst, Andrus, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Mendive, Miller,

Monks, Morse, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Rusche, Shepherd, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 65.

NAYS – Barbieri, McMillan, Moyle, Sims. Total – 4.

Absent – Gibbs. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1245](#) passed the House. Title was approved and the bill ordered returned to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 5, 2014. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:34 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk